



PATENTS

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant(s):** Atsushi Okawa, et al.

**Examiner:** Stephone B. Allen

**Serial No:** 09/857,614

**Art Unit:** 2878

**Filed:** June 6, 2001

**Docket:** 14666

**For:** OPTICAL SCANNING PROBE  
SYSTEM

**Date:** August 27, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
SEP 10 2003  
TECHNOLOGY CENTER 2800

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

Pursuant to the restriction requirement imposed in the Official Action dated July 29, 2003, Applicants elect the claims of Group I, i.e., Claims 1-55, for continued prosecution herein.

Claims 1-56 are present in the above-captioned application and have been subjected to restriction under 35 U.S.C. § 121. Specifically, the Official Action avers that the following inventions are present in the claims:

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 27, 2003.

Dated: August 27, 2003

  
Thomas Spinelli

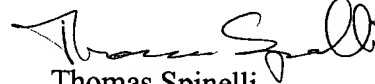
Group I, claims 1-55, drawn to an optical scanning probe system or device; and  
Group II, claim 56, drawn to an observation method.

It is the Examiner's position that the inventions listed as Groups I and II are  
separate and distinct from each other.

In response to the Examiner's requirement for restriction, Applicants elect to  
prosecute the subject matter of Group I, Claims 1-55. However, Applicants reserve the right  
under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected  
subject matter in this application.

In view of the foregoing, an examination on the merits of the elected claims, at  
an early date, is earnestly solicited.

Respectfully submitted,



Thomas Spinelli  
Registration No.: 39,533

Scully, Scott, Murphy & Presser  
400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343

TS:cm